FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Civil Application No. 4603/2006
in
Writ Petition No. 3737/1998(Decided)

Appeal Application No. Writ petition	District : of 200

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. H.A. Deshpande, Adv. for petitioner.
Shri. Anand Parchure, Adv. for R- 1 & 2.
Shri. Adgokar, A.G.P. for R-3.
Shri. Akshay Naik, Adv. for R-4.

CORAM : B.R. Gavai, J.
DATED : September 7, 2006.

By way of present application, the original petitioner seeks clarification of the order dated 19th July, 2005 passed by this Court, vide which the petition has been allowed and the petitioner has been directed to be reinstated in service. However, the petitioner has given up his claim for back wages.

Pursuant to the aforesaid order, the petitioner has been allowed by the management to join his duties on 29th July, 2005. However, by the communication dated 1st October, 2005, the respondent-Education Officer has treated the appointment of the petitioner as a fresh appointment. Hence, the petitioner has filed

present application for clarification of the order dated 19th July, 2005.

By the said order, this Court has clearly directed reinstatement of the petitioner. The petitioner has made a statement before this Court that he has given up the claim for back wages. It is, thus, clear that the order of this Court which directs the reinstatement of the petitioner would mean that the termination is quashed and set aside and his reinstatement would relate back to the original date of appointment.

In that view of the matter, it is clarified that the petitioner's appointment would not be treated as fresh appointment, but would relate back to the date of his original appointment and he would be entitled to continuity in service for all purposes except back wages.

Civil Application is allowed in the aforesaid terms.

JUDGE

RMP